IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5002 of 2003

Between:

B.Sammaiah, S/o.Janardhan, E.No.89989, Ex-Conductor, 53 years, R/o.15-6-170, Papaiahpet Chaman, Warangal.

...PETITIONER

AND

1. The Industrial Tribunal-cum-Labour Court, Warangal, rep.by its Presiding Officer.
2. The Depot Manager, APSRTC, Hanamkonda Depot, Warangal.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the first respondent and issue an appropriate writ, order or direction particularly one in the nature of Writ of Certiorari and quash the Award passed by the first respondent in I.D.No.117 of 2000 dated 23.12.2000 published on 03.03.2003 holding the same as illegal, unjust, contrary to law, arbit4rary and perverse and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Smt.P.RAJANI REDDY, Standing Counsel

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5002 of 2003

ORDER:

Heard Sri A.K.Jayaprakash Rao, the learned counsel appearing for the petitioner and Smt.P.Rajani Reddy, the learned standing counsel appearing for the second respondent-Corporation.

Having heard the learned counsel on either side and on perusal of the material available on record, the question involved in this Writ Petition is squarely covered by the decision of the Apex Court in ***Cooper Engineering Ltd., v. P.P.Mundhe*** where under it was held that in the absence of any finding given preliminarily as to the validity of the enquiry, the Labour Court cannot proceed with nor can pass any award. Therefore, all awards without such findings are vitiated and require reconsideration.

The Writ Petition is accordingly allowed. The impugned award dated 23.12.2000 in I.D.No.117 of 2000 on the file of the Labour Court, Warangal is set aside and the matter is remitted to the first respondent/Labour Court for fresh enquiry and disposal on merits in accordance with law within a period of three months, after giving due notice and sufficient opportunity to both the parties. No costs.

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(B.PRAKASH RAO, J)

30th March 2005

RRB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the Thirtieth day of March Two thousand and five.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Presiding Officer, The Industrial Tribunal-cum-Labour Court, Warangal.
2. The Depot Manager, APSRTC, Hanamkonda Depot, Warangal.
3. Two CCs to GP for Labour, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.